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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,537	11/20/2003	Michael Jackson Hosey	50065.00011	3450

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Stuart Whittington, Esq.
7037 E. Monte Circle
Mesa, AZ 85208

EXAMINER

HINZE, LEO T

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/719,537

Applicant(s)

HOSEY, MICHAEL JACKSON

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Objections

1. Claims 7, 8, 10, 11, 13 and 14 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 7, 8, 10, 11, 13 and 14 appear to provide further structural limits for an electronic device, but not for an attachable display apparatus. The attachable display apparatus is positively claimed in claim 6, but an electronic device is not positively claimed.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-8 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Pantet, US 5,781,512 (Pantet).

a. Regarding claim 1, Pantet teaches a timepiece comprising: a casing (11, Fig. 1); a display device (3, Fig. 1) secured by the casing; and an attachment section (12, Fig. 1) pivotally attached to the casing; and wherein the attachment section is configured to be attachable to an object of interest (“a buckle or a small chain snap hook”, col. 2, ll. 50-51) and pivot (“pivot the hinge”,

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col. 2, ll. 53-57) in a position to maintain the display device in a substantially upright position when the attachment section is placed on a substantially horizontal surface (Fig. 2).

b. Regarding claim 2, Pantet also teaches wherein the display device comprises a watch module (“pocket and table watch”, col. 3, l. 22).

c. Regarding claim 3, Pantet also teaches wherein the watch module includes one or more modes selected from a group consisting of a time mode (display elements 6 show the time, Fig. 1).

d. Regarding claim 6, Pantet teaches an attachable display apparatus comprising: a casing (11, Fig. 1) configured to hold (“secured to the case in a removable manner”, col. 2, ll. 35-36) an electronic device having a display; and an attachment section (12, Fig. 1) coupled to the casing and configured to attach and detach with an object of interest (“a buckle or a small chain snap hook”, col. 2, ll. 50-51); wherein the casing and the attachment section are coupled such that they move with respect to each other and can be configured to lie essentially in the same plane to form a first configuration (Fig. 1) and can be configured to form an angle of ninety degrees or less between the attachment section and the casing section to form a second configuration (Fig. 2; “pivot the hinge”, col. 2, ll. 53-57).

e. Regarding claim 7, Pantet also teaches wherein the casing configured to hold (“secured to the case in a removable manner”, col. 2, ll. 35-36) an electronic device that comprises a watch module.

f. Regarding claim 8, Pantet also teaches wherein the casing configured to hold (“secured to the case in a removable manner”, col. 2, ll. 35-36) an electronic device that comprises a watch

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module that includes one or more modes selected from the group consisting of a time mode, an altimeter mode, a compass mode, a barometer mode, an alarm mode and a chronograph mode.

g. Regarding claim 10, Pantet also teaches wherein the casing configured to hold (“secured to the case in a removable manner”, col. 2, ll. 35-36) an electronic device that comprises a watch module that further comprises a temperature sensor coupled to the watch module and wherein the watch module is operative to display an ambient temperature.

h. Regarding claim 11, Pantet also teaches wherein the casing configured to hold (“secured to the case in a removable manner”, col. 2, ll. 35-36) an electronic device that comprises one selected from a group consisting of a MP3 player, a multi-function display device, a cell phone, a personal digital assistant, a calculator, and a digital camera.

i. Regarding claim 12, Pantet also teaches a hinge section (13, Fig. 1) configured to connect the attachment section with the casing section in pivoting manner.

j. Regarding claim 13, Pantet also teaches wherein the casing configured to hold (“secured to the case in a removable manner”, col. 2, ll. 35-36) an electronic device that includes a multi-function module configured to identify and display an altitude, a temperature, a time, a date, and a compass heading.

k. Regarding claim 14, Pantet also teaches wherein the second configuration maintains the display in an upright position while the attachment section placed on a substantially horizontal surface (Fig. 2, col. 2, ll. 53-57).

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1. Regarding claim 15, Pantet also teaches wherein the casing configured to hold ("secured to the case in a removable manner", col. 2, ll. 35-36) an electronic device that is radio communication device.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 9, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pantet in view of Kauker, US 5,540,367 (Kauker).

a. Regarding claims 4 and 9:

Pantet teaches all that is claimed as discussed in the rejection of claims 1 and 6 above.

Pantet does not teach wherein the attachment section comprises a carabiner clip.

Kauker teaches a loop watch, including a hanger (14, Fig. 1), comprising a carabiner clip (14c, Fig. 1). Such a clip is very functional and allows the watch to be attached to a wide variety of belongings such as backpacks, golf bags and any other attachable article (col. 1, ll. 40-42).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Pantet to include a carabiner clip in the attachment section as taught by Kauker, because Kauker teaches that a carabiner clip increases the functionality of the

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watch by allowing it to be easily attached to a wide variety of objects, and a person having ordinary skill in the art would recognize that this additional functionality may increase commercial profitability of such a watch.

b. Regarding claim 16:

Pantet teaches an apparatus comprising: an electronic device (3, Fig. 1) having a display (5, Fig. 1); a casing (11, Fig. 1) configured to hold the electronic device; and an attachment section (12, Fig. 1) pivotally attached to the casing, the attachment section configured to be attachable to an object of interest, the attachment section configured to be pivoted to form a stand for the apparatus (Fig. 2).

Pantet does not teach a clip pivotally attached to the casing, the clip configured to be attachable to an object of interest, the clip configured to be pivoted to form a stand for the apparatus.

Kauker teaches a loop watch, including a hanger (14, Fig. 1), comprising a carabiner clip (14c, Fig. 1). Such a clip is very functional and allows the watch to be attached to a wide variety of belongings such as backpacks, golf bags and any other attachable article (col. 1, ll. 40-42).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Pantet to include a carabiner clip in the attachment section as taught by Kauker, because Kauker teaches that a carabiner clip increases the functionality of the watch by allowing it to be easily attached to a wide variety of objects, and a person having ordinary skill in the art would recognize that this additional functionality may increase commercial profitability of such a watch.

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c. Regarding claim 17, the combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 16 above. Pantet also teaches wherein the electronic device is a watch (3, Fig. 2).

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pantet in view of Sekiguchi, US 6,751,164 (Sekiguchi).

Pantet teaches all that is claimed as discussed in the rejection of claim 1 above, except a temperature sensor coupled to the watch module and wherein the display device is operable to display a temperature.

Sekiguchi teaches a watch configured to display a temperature (29, Fig. 8).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Pantet to include a temperature measurement and display function as taught by Sekiguchi, because a person having ordinary skill in the art would recognize that the addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

7. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pantet in view of Kauker as applied to claim 16 above, and further in view of Sekiguchi.

The combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 16 above, except wherein the electronic device comprises an altimeter.

Sekiguchi teaches a watch that comprises an altimeter (col. 4, ll. 9-11).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Pantet to include an altimeter as taught by Sekiguchi,

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because a person having ordinary skill in the art would recognize that the addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

8. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pantet in view of Kauker as applied to claim 16 above, and further in view of Gilmour, US 6,801,476 (Gilmour).

a. Regarding claim 19:

The combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 16 above, except wherein the electronic device comprises a personal audio device.

Gilmour teaches a wrist-worn phone and body-worn data storage device, including a personal audio device (MP3 music player, col. 7, l. 44).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Pantet to include a personal audio device as taught by Gilmour, because a person having ordinary skill in the art would recognize that the addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

b. Regarding claim 20:

The combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 16 above, except wherein the electronic device comprises a radio communication device.

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Gilmour teaches a wrist-worn phone and body-worn data storage device, including a radio communication device (col. 4, ll. 17-18).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Pantet to include a radio communication device as taught by Gilmour, because a person having ordinary skill in the art would recognize that the addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

c. Regarding claim 21:

The combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 16 above, except wherein the electronic device comprises a digital camera.

Gilmour teaches a wrist-worn phone and body-worn data storage device, including a digital camera (“digital camera”, col. 7, l. 46).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Pantet to include a digital camera as taught by Gilmour, because a person having ordinary skill in the art would recognize that the addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pantet in view of Kauker as applied to claim 16 above, and further in view of Lowedenslager, US 4,022,014 (Lowedenslager).

a. Regarding claim 22:

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The combination of Pantet and Kauker teaches all that is claimed as discussed in the rejection of claim 16 above, except wherein the electronic device comprises a calculator.

Lowedenslager teaches a combination wristwatch/calculator (Fig. 2) that adds the functionality to perform various arithmetic functions such as recording expenditures in a supermarket, balancing a checkbook stub, or checking inventories (col. 1, ll. 65-68).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify Pantet to include a calculator as taught by Lowedenslager, because Lowedenslager teaches that a calculator adds the functionality to perform various arithmetic functions such as recording expenditures in a supermarket, balancing a checkbook stub, or checking inventories, and a person having ordinary skill in the art would recognize that the addition of this feature would increase the functionality of the watch, thereby possibly increasing the commercial profitability of the watch.

Response to Arguments

10. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure..


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo T. Hinze
Patent Examiner
AU 2854
24 October 2005



ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800